

## **Assembly Concurrent Resolution No. 35**

### **RESOLUTION CHAPTER 82**

Assembly Concurrent Resolution No. 35—Relative to the University of California.

[Filed with Secretary of State August 23, 1999.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

ACR 35, Steinberg. University of California: remains of Ishi.

This measure would urge the Regents of the University of California to immediately take any and all actions necessary to ensure that the remains of Ishi, who was the last surviving member of the Yahi Indians, be returned to the appropriate tribal representatives. The measure would also urge the Governor to direct all affected state agencies to cooperate in this effort so that a proper Indian burial ceremony may take place.

WHEREAS, In August 1911, a lone starving man known as Ishi emerged from the foothills of Butte County into Oroville; and

WHEREAS, It was later determined that this man was the last surviving member of the Yahi Indians, a tribe that was virtually exterminated in 1865 by white settlers, and the few survivors of which had fled into the mountains of the Butte County area to avoid enslavement, disease, or massacre; and

WHEREAS, Ishi's story of survival, and his avoidance of European ways and influence, has made him a legendary figure in Native American and California history books, scientific treatises, and movies; and

WHEREAS, The discovery of Ishi sparked the interest of anthropologists at the University of California, who brought him from the Oroville Jail to San Francisco, where he was examined, studied, and ultimately employed as a janitor at the Anthropology Museum of the University of California; and

WHEREAS, Ishi lived the remainder of his life as a living exhibit at the Anthropology Museum of the University of California; and

WHEREAS, When Ishi died in 1916 of tuberculosis, a European disease against which he was almost defenseless, his body was autopsied by medical personnel of the University of California in violation of his beliefs and against his wishes; and

WHEREAS, During the autopsy, Ishi's brain was removed and subsequently sent by the University of California to the curator for physical anthropology at the Smithsonian Institution for analysis; Ishi's brain was preserved, and it languished in a warehouse in Suitland, Maryland for 80 years until its recent discovery; and

WHEREAS, The rest of Ishi's body was cremated shortly after his death, and his cremated remains are now interred in a cemetery in Colma, California; and

WHEREAS, The Butte County Native American Cultural Committee, which inspired the search for Ishi's brain, believes that a complete body is necessary to perform a proper Indian burial ceremony; and

WHEREAS, The University of California has responded to questions about Ishi's brain by claiming that its records showed that Ishi's brain had been cremated with the rest of his body; and

WHEREAS, The University of California, San Francisco, in response to accounts in the press, launched an investigation to determine what happened to Ishi's brain and, through the efforts of their historian, the Smithsonian Institution eventually acknowledged that the brain was in its collection; and

WHEREAS, A federal statute, known as the Native American Graves Protection and Repatriation Act of 1990, provides protection for Native American remains and cultural items and provides for the repatriation of these remains and items; and

WHEREAS, It is the explicit policy of the State of California that all Native American remains be repatriated; and

WHEREAS, The fate of Ishi is an example of the cruelty and injustice dealt to every tribe in California by those who came here and displaced them; and

WHEREAS, An expression of a desire for the unification and return of the remains of Ishi to his homeland would constitute an expression of remorse on the part of the State of California for its actions that contributed to this injustice; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature urges the Regents of the University of California to immediately take any and all actions necessary to ensure that the remains of Ishi be returned to the appropriate tribal representatives; and be it further

*Resolved,* That the Legislature urges the Governor to direct all affected state agencies to cooperate in the effort to return the remains of Ishi so that a proper Indian burial ceremony may take place and closure may be brought to this indignity; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and to each of the other members of the Regents of the University of California.